

Hon. MaryAnne Majestic, on behalf of the  
Listed Judges  
Tempe Municipal Court  
140 E. 5<sup>th</sup> Street, Suite 200  
Tempe, AZ 85281

IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:	)	Supreme Court No. R-13-0013(e)
	)	
PETITION TO ADOPT RULE 122.1	)	COMMENT FROM JUDGES
RULES OF THE SUPREME COURT	)	

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This comment is submitted on behalf of the judges listed in Appendix A. We oppose R-13-0013(e) in its amended form.

(1) This subsection would not allow judges to prohibit cell phone usage in the courtroom. R-13-0013(e) would only allow a judge to terminate activity that may be disruptive or distracting to a court proceeding, or that may otherwise be contrary to the administration of justice. All of the judges listed in Appendix A are assigned to Limited Jurisdiction Courts. The majority of the persons who appear before us are not represented by attorneys, and the majority of our cases are not high profile cases that create interest in the media. We believe that a one size fits all rule is not practical and may in fact, cause more disruption in courtrooms. Each court has its own unique issues in maintaining decorum in the courtroom. Each judge should have the independence, discretion, and authority to determine reasonable restrictions or prohibitions that best address the need to control his or her courtroom. It is noteworthy that the list of names attached includes judges who both prohibit any cell phone usage, and judges who allow cell phone usage and terminate activity where warranted. We have all joined in this opposition to the wording of R-13-0013(e) because we all believe that the local judge is the person in the best position to determine how to address security and decorum issues within his or

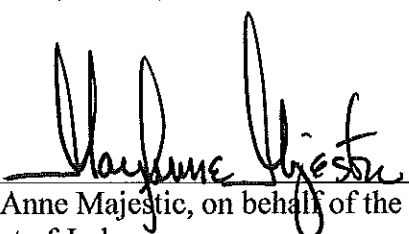
her respective courts. This section of the proposed rule, if passed in its present form, removes the ability of judges to implement rules that work best in each of our courts.

Additionally, many of our courts hold high volume dockets and trial dockets where both parties (in civil cases) and defendants (in criminal cases) are representing themselves. We believe that akin to the concern that was raised about jurors and whether they should be allowed to use cell phones in the courtroom, these litigants should focus on the legal proceeding before them and give it their undivided attention for the reasons that they need to understand their proceedings and participate without distractions. In certain situations, it is necessary to prohibit use to avoid electronic interruptions of the trial or hearing.

(2) Recommendation. We recommend that the language in subsection (e) be changed to read as follows:

(e) Attorneys, parties and members of the public. The following provisions apply to use of portable electronic devices in a courtroom by attorneys, parties, and members of the public. Any allowed use of a portable electronic device under this section is subject to the authority of a judge to either prohibit usage or to terminate activity that is, or may become, disruptive or distracting to a court proceeding, or that may otherwise be contrary to the administration of justice.

RESPECTFULLY SUBMITTED this 23<sup>rd</sup> day of May, 2013

By /s/  \_\_\_\_\_  
Hon. MaryAnne Majestic, on behalf of the  
Attached list of Judges  
Presiding Judge  
Tempe Municipal Court  
140 E. 5<sup>th</sup> Street, Suite 200  
Tempe, AZ 85281

## **Appendix A**

Hon. MaryAnne Majestic  
Presiding Judge  
Tempe Municipal Court

Hon. Michael Traynor  
Presiding Judge  
Chandler City Court

Hon. Elizabeth Finn  
Presiding Judge  
Glendale Municipal Court

Hon. John Hudson  
Presiding Judge  
Town of Gilbert Court

Hon. C. Steven McMurry  
Justice of the Peace  
Encanto Justice Court

Hon. Matt Tafoya  
Presiding Judge  
Mesa Municipal Court

Hon. Louis Frank Dominguez  
Presiding Judge  
Surprise City Court

Hon. Joseph Olcavage  
Presiding Judge  
Scottsdale Municipal Court

Hon. Mary Helen Maley  
Justice of the Peace  
Nogales Justice Court

Hon. Mark Baron  
Justice of the Peace  
Fredonia Justice Court

Hon. Mitchell Eisenberg  
Presiding Judge  
Fountain Hills Municipal Court

## **Appendix A**

Hon. Michael Simonson  
Presiding Judge  
Goodyear City Court

Hon. Charles Adornetto  
Presiding Judge  
Wickenburg Town Court

Hon. James Mapp  
Presiding Judge  
El Mirage Municipal Court

Hon. Anna Mary Glaab  
Justice of the Peace  
Bagdad-Yarnell Precinct

Hon. Michael Lester  
Presiding Judge  
Buckeye Municipal Court

Hon. John Burkholder  
Judge  
Glendale City Court

Hon. Marivel Delgado  
Judge  
Glendale City Court

Hon. Derek Oliverson  
Judge  
Glendale City Court

Hon. Thomas Robinson  
Judge  
Tempe Municipal Court

Hon. MaryJo Barsetti  
Judge  
Tempe Municipal Court